

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

OTIS ANTONIO SMITH,

Plaintiff,

v.

CIVIL ACTION NO. 1:14-24196

BART MASTERS, Warden,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation on August 9, 2016, in which he recommended that the court grant plaintiff's "Motion for Voluntary Dismissal of Petitioner's Pending Motion for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241"; deny plaintiff's Motion to Proceed Without Prepayment of Fees and Costs; dismiss plaintiff's application under 28 U.S.C. § 2241 without prejudice; and remove this case from the court's active docket.

In accordance with the provisions of 28 U.S.C. § 636(b), plaintiff was allotted fourteen days and three mailing days in which to file any objections to Magistrate Judge Aboulhosn's Findings and Recommendation. The failure of any party to file such objections within the time allowed constitutes a waiver of

such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Neither party filed any objections to the Magistrate Judge's Findings and Recommendations within the requisite time period. Accordingly, the court adopts the Findings and Recommendations of Magistrate Judge Aboulhoshn as follows:

1. Plaintiff's "Motion for Voluntary Dismissal of Petitioner's Pending Motion for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241" is **GRANTED;**
2. Plaintiff's Motion to Proceed Without Prepayment of Fees and Costs is **DENIED;**
3. Plaintiff's application under 28 U.S.C. § 2241 is **DISMISSED;** and
4. The Clerk is directed to remove this case from the court's active docket.

The Clerk is further directed to forward a copy of this Memorandum Opinion and Order to counsel of record and unrepresented parties.

IT IS SO ORDERED this 25th of October, 2016.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge